

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended is respectfully requested.

Claims 1-8 are presently pending in this application. Claims 1, 6, and 8 have been amended without the introduction of any new matter.

Applicants filed a Notice of Appeal and Pre-Appeal Brief Request for Review on September 6, 2005. The Panel Decision was issued on November 4, 2005 upholding the examiner's rejection of Claims 1-8.

The outstanding Office Action includes a rejection of Claim 1 under the second paragraph of 35 U.S.C. §112, a rejection of Claims 1, 3, 4, 6, and 8 under 35 U.S.C. §102(e) as being unpatentable over Bonomi et al. (U.S. Patent No. 6,769,127, Bonomi), a rejection of Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Bonomi in view of Bantum (U.S. Patent No. 5,790,805), and a rejection of Claims 5 and 7 under 35 U.S.C. §103(a) as being unpatentable over Bonomi in view of Harif et al. (U.S. Patent No. 6,581,110, Harif).

In view of the panel decision, upholding the rejection of Claims 1-8, and in light of the remarks made in the Advisory Action of August 18, 2005, each of the independent claims has been amended to expressly state in the body of the claim that the processing server is a separate device and separated from the reservation control apparatus by a network.

As described in the response filed August 3, 2005, the method employed by Claim 1 uses three apparatuses: a user terminal apparatus, a reservation control apparatus, and a processing server. The reservation control apparatus controls a reservation state of the processing server via a network. This allows the user terminal apparatus to use functions of the processing server by accessing the processing server via the network. The method also includes a step of sending reservation request information from the user terminal apparatus to the reservation control apparatus via the network. Thus, the user terminal apparatus

communicates with the reservation control apparatus via the network, and the reservation control apparatus communicates with the processing server via the network. Claim 1 has been further amended to make clear that the processing server is separated from the reservation control apparatus.

Neither Kusaba nor Cao teach or suggest this structure or method of communication and coordination.

Assuming *arguendo* that Cao does describe the transmitting of current time reference value to the user terminal apparatus, neither Kusaba nor Cao teach the interconnection of the user terminal apparatus, processing server, and reservation control apparatus via a network, as claimed. Rather, Kusaba shows that the scheduler 105 is part of a single transmitting station 11 as shown in Figure 2 for example. Kusaba does show a separate satellite network (see e.g. satellite 13), however the communication between the transmitting station 11 and the viewer's home 12 is all done through a single network (Internet 16), but does not show the scheduler 105 being connected to the processing server via the network. Rather, all the functions of the reservation control apparatus and processing server are performed by the transmitting station 11, and thus does not describe all the features of amended Claim 1. Moreover, neither Kusaba nor Cao teach or suggest a system that would offer the benefits of the presently claimed method, which allows for separate user terminals, reservation control apparatuses, and processing servers to interconnect by way of a network and offer functions separate from one another. Rather, Kusaba is restricted to the use of a scheduler 105 that is dedicated for use only by transmitting station 11.

Although of differing statutory class, Claims 6 and 8 are directed to apparatus and program storage medium claims, but otherwise contain the same structural limitation as discussed above with regard to Claim 1. Therefore it is respectfully submitted that Claims 6 and 8 also patentably define over the asserted prior art.

Application No. 09/932,968
Reply to Panel Decision of 11/04/05

Claims 2, 5 and 7 stand rejected as being unpatentable over Kusaba and Cao as applied to the independent claims in view of Trewitt. However Trewitt is only asserted for its alleged teaching of calculating a difference between a client's clock and a server's clock. However, Trewitt does not otherwise cure the deficiencies with regard to Kusaba and Cao as discussed above with regard to Claims 1, 6 and 8 and therefore does not render obvious Claims 2, 5 and 7 when taken in combination with Kusaba and Cao.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-8 is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
I:\ATTY\BDL21S\212969US\212969.AM2.DOC